

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Labour Laws 1 Semester: VII
Program: B.B.A. LL.B. (Hons.) Corporate Laws /Banking, Finance & Insurance Laws/International Trade & Investment Laws & B.Com. LL.B (Hons.) Taxation Laws
Course Code: LLBL 251 Max. Marks: 100
Time: 03 hrs.
Instructions: all questions are compulsory

S. No.		Marks	CO
Q 1	Write short note on 'Closure' under the provisions of Industrial Disputes Act, 1947	2	1
Q 2	What are the principles of Natural Justice?	2	2
Q 3	Define the 'appropriate government' with reference to Industrial Disputes Act, 1947	2	2
Q 4	Write short note on 'Lay-off' under the provisions of Industrial Disputes Act, 1947	2	2
Q 5	Define the 'Conciliation Officer' under the Industrial Disputes Act, 1947	2	2
SECTION B			
Q 6	Can Government Servants form a trade union? Cite the relevant cases in support of your answer.	5	4
Q 7	Write a short note on the objectives and purposes of Industrial Employment (Standing Orders) Act, 1946.	5	3
Q 8	Explain provisions relating to 'Notice of Change' under the provisions of Industrial Disputes Act, 1947	5	3
Q 9	Distinguish between industrial dispute and individual dispute. When can an individual dispute deemed to be an industrial dispute?	5	4
SECTION-C			
Q10	Critically analyze the judgment of <i>Bangalore Water Supply and Sewerage Board Vs. A. Rajappa, 1978 AIR 548 SC</i> with reference to definition of Industry.	10	6
Q 11	Analyze the definition of industrial dispute with the help of the case of <i>Dimakuchi Tea Estate Vs. The Management of Dimakuchi</i>	10	5

SECTION-D

	Read the passage carefully and answer the questions mentioned below from 12 to 16		
	There was a dispute between ABC company and its workmen, and they mutually agreed to refer this dispute to the arbitration by an agreement dated 3 Dec 2018 under section 10 A of the Industrial Dispute Act, 1947. The arbitrator named by the parties entered upon the reference on 14 Dec 2018 and pronounced his award on 18 April 2019. The workmen seeking to challenge the validity of the award applied for and obtained the special leave to appeal to the Supreme Court against the decision of the arbitrator. The respondent company pleaded that the appeal was not competent because the arbitrator was not a tribunal under Article 136 of the Constitution of India.		
Q12	Discuss whether the parties to the dispute can refer their dispute by an agreement to the arbitrator.	5	6
Q13	Define the term ‘award’ and essential conditions for a valid award under Industrial Disputes Act, 1947	10	5
Q14	On whom the award of the arbitrator would be binding and what remedies are available against the award of the arbitrator?	10	3
Q15	Decide the validity of the appeal against the award through special leave petition in the above-mentioned case.	10	4
Q 16	A workman named R M Saxena was appointed by employer for trial on probation for six months on 1 January 2018. After five months of his service, employer has served a notice to the workman for improvement in his services. Then, on 1 July, 2018 employer served another notice on workmen by which they extended the probation period for another six months instead of making him permanent and got a signature of the workmen on paper containing provision for extension of probation period. Due to economic crisis worker accepted this condition and signed the same. On 15th August workman joined a registered trade union and got the status of protected workman from the said trade union. On 16th August, 2018 employer served the notice to the workman for dismissal of his service. Decide the case and give justification of your judgment	15	4